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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,423	09/30/2003	Alan Brett Conley	50325-0821	8040
29989	7590	04/14/2006	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			LEROUX, ETIENNE PIERRE	
2055 GATEWAY PLACE			ART UNIT	PAPER NUMBER
SUITE 550				
SAN JOSE, CA 95110			2161	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/676,423	CONLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Etienne P. LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 9/2003
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

*Claim Status:*

Claims 1-38 are pending. Claims 1-38 are rejected as detailed.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6, 9, 14, 16, 20, 22, 24, 26, 28-31 and 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2002/0021675 issued to Feldmann.

Claims 1, 9, 14, 20, 24, 28-31 and 33-38:

Feldmann discloses:

reading a plurality of router configuration files [paragraph 100]

generating the network replication topology representing one or more sites and one or more site links based on information in the plurality of router configuration files [paragraph 34, advertise static route]

Claim 2:

Feldmann discloses wherein the information in the plurality of router configuration files includes router interface information and the step of generating the network topology is performed based on the router interface information [paragraph 2, bandwidth]

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Claims 4, 16, 22 and 26:

Feldman discloses wherein the step of generating the network topology comprises determining at least one site link by identifying a Wide Area Network (WAN) interface; and generating a site link reference for each site link [Fig 2]

Claim 5:

Feldman discloses determining at least one site by identifying a router interface with a bandwidth exceeding a predefined threshold value; and generating a site reference for each site [paragraph 2]

Claim 6:

Feldmann discloses determining at least one site link by identifying a router interface with a bandwidth not exceeding a predefined threshold value and generating a site link reference for each site link [paragraph 2]

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 15, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldmann in view of US Pat No 5,935,245 issued to Sherer (hereafter Sherer).

Claims 3, 15 and 21 and 25:

Feldmann discloses the elements of claim 1/14/20/24 as noted above but does not disclose determining at least one site by identifying a sub-network on a Local Area Network (LAN) interface and generating a site reference for each site. Sherer discloses determining at least one site by identifying a sub-network on a Local Area Network (LAN) interface and generating a site reference for each site [Fig 1]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feldmann to include determining at least one site by identifying a sub-network on a Local Area Network (LAN) interface and generating a site reference for each site as taught by Sherer fro the purpose of connecting local area offices that might be used in an academic environment [Fig 1].

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldmann in view of US Pat No 6,363,056 issued to Beigi et al (hereafter Beigi).

Claim 7:

Feldmann discloses the elements of claim 1 as noted above but does not disclose determining at least one site link by identifying a router interface with a packet round-trip time exceeding a predefined threshold value and generating a site link reference for each reference. Beigi discloses determining at least one site link by identifying a router interface with a packet round-trip time exceeding a predefined threshold value and generating a site link reference for each reference [Abstract]. It would have been obvious to one of ordinary skill in the at the time the invention was made to modify Feldmann to include determining at least one site link by identifying a router interface with a packet round-trip time exceeding a predefined threshold

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value and generating a site link reference for each reference as taught by Beigi for the purpose of calculating network delay [Abstract]

Claims 8 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldmann in view of US Pat No 5,521,837 issued to Frankle et al (hereafter Frankle).

Claims 8 and 32:

Feldmann discloses the elements of claim 1/14 as noted above but does not disclose reading preprocessing information, the preprocessing information including override information for nullifying the information associated with a same one or more sites or site links from the plurality of router configuration files, wherein the network topology is generated based additionally on the override information. Frankle discloses tighter delay limits are provided to the router which deletes or rips up all routes for connection which have a delay higher than the new suggested limit [col 18, lines 24-27]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feldman to include reading preprocessing information, the preprocessing information including override information for nullifying the information associated with a same one or more sites or site links from the plurality of router configuration files, wherein the network topology is generated based additionally on the override information based on the teachings of Frankle for the purpose of eliminating inefficient routes.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldmann in view of US Pat No 6,498,782 issued to Branstad et al (Branstad)

Claim 10:

Feldmann discloses the elements of claim 1 as noted above but does not disclose wherein the step of reading a plurality of router configuration files includes reading from a router query result. Barnstad discloses wherein the step of reading a plurality of router configuration files includes reading from a router query result [col 6, lines 9-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feldmann to include wherein the step of reading a plurality of router configuration files includes reading from a router query result as taught by Branstad for the purpose of querying various network devices about their configuration and neighborhood knowledge [col 6, lines 9-15].

Claims 11-13, 17-19, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldmann in view of US Pat No 6,983,317 issued to Bishop et al (hereafter Bishop).

Claims 11-13, 17-19, 23 and 27:

Feldmann discloses the elements of claim 1/14 as noted above but does not disclose storing the replication topology in a database and copying the replication topology from the database to the directory service. Bishop discloses storing the replication topology in a database and copying the replication topology from the database to the directory service [Fig 2, col 6, lines 30-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feldmann to include storing the replication topology in a database and copying the replication topology from the database to the directory service as taught by Bishop for the purpose automatically creating a new managed element and notifying support personnel [col 6, lines 30-35].

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

April 13, 2006

*Etienne LeRoux*